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## NOTICE OF ALLOWANCE AND FEE(S) DUE

50170 7590 09/02/2008

IBM CORP. (WIP)  
c/o WALDER INTELLECTUAL PROPERTY LAW, P.C.  
17330 PRESTON ROAD  
SUITE 100B  
DALLAS, TX 75252

EXAMINER

ALAM, MUSHFIKH I

ART UNIT

PAPER NUMBER

2623

DATE MAILED: 09/02/2008

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,136

04/08/2004

Viktors Berstis

AUS920040214US1

8956

TITLE OF INVENTION: BROADCAST CONTENT SCREENING SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1440	\$300	\$0	\$1740	12/02/2008

**THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.**

**THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.**

### HOW TO REPLY TO THIS NOTICE:

#### I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

**IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.**

# **PART B - FEE(S) TRANSMITTAL**

**Complete and send this form, together with applicable fee(s), to: Mail Mail Stop ISSUE FEE  
Commissioner for Patents  
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or Fax (571)-273-2885**

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

50170 7590 09/02/2008

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SUITE 100B  
DALLAS, TX 75252

## **Certificate of Mailing or Transmission**

I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/821,136 04/08/2004 Viktors Berstis AUS920040214US1 8956

TITLE OF INVENTION: BROADCAST CONTENT SCREENING SYSTEM AND METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional NO \$1440 \$300 \$0 \$1740 12/02/2008

EXAMINER	ART UNIT	CLASS-SUBCLASS
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ALAM, MUSHFIKH I 2623 725-012000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

- ☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
- ☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

- (1) the names of up to 3 registered patent attorneys or agents OR, alternatively, 1 \_\_\_\_\_
- (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed. 2 \_\_\_\_\_
- 3 \_\_\_\_\_

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE (B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent) : ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☐ Issue Fee
- ☐ Publication Fee (No small entity discount permitted)
- ☐ Advance Order - # of Copies \_\_\_\_\_

4b. Payment of Fee(s); (Please first reapply any previously paid issue fee shown above)

- ☐ A check is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☐ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number \_\_\_\_\_ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature \_\_\_\_\_

Date \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Registration No. \_\_\_\_\_

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/821,136	04/08/2004	Viktors Berstis	AUS920040214US1	8956
50170	7590	09/02/2008	EXAMINER	
IBM CORP. (WIP) c/o WALDER INTELLECTUAL PROPERTY LAW, P.C. 17330 PRESTON ROAD SUITE 100B DALLAS, TX 75252			ALAM, MUSHFIKH I	
			ART UNIT	PAPER NUMBER
			2623	
			DATE MAILED: 09/02/2008	

## Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 839 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 839 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

**Notice of Allowability**

Application No.

10/821,136

Examiner

MUSHFIKH ALAM

Applicant(s)

BERSTIS, VIKTORS

Art Unit

2623

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 6/16/2008.
2. ☒ The allowed claim(s) is/are 1,3,7-11,18,20,21,34-37,40-45,48-53 and 56.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some\* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
- \* Certified copies not received: \_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO/SB/08),  
Paper No./Mail Date 6/16/2008
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_.
7. ☐ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_.

/Vivek Srivastava/  
Supervisory Patent Examiner, TC2600

## **DETAILED ACTION**

### ***Allowable Subject Matter***

Claims 1, 3, 7-11, 18, 20, 21, 34-37, 40-45, 48-53 and 56 are allowed.

1. The following is an examiner's statement of reasons for allowance:

Claim 1, A system for screening broadcast programming, comprising:

a viewer configured to receive broadcast programming, to receive commands from a user, to receive commands from an interface coupled to the viewer, to present the received broadcast programming to the user based on commands from the user, and to present the received broadcast programming to the user based on commands from the interface;

a processor coupled to the interface and configured to receive a real time screening signal (RTSS) and a precision screening signal (PSS), to receive user input from the interface, to store the received user input, to generate a local action signal based on the user input and at least one of the received RTSS or PSS, and to transmit the local action signal to the interface;

the interface configured to receive the local action signal, to transmit commands to the viewer based on the local action signal, and to receive the user input from the user, the user input comprising at least an action preference; and

a broadcast recorder coupled to the interface and configured to receive broadcast programming, to store the received broadcast programming, and to transmit

the stored broadcast programming to the viewer in response to user commands, wherein the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time, the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the processor, in response to the broadcast programming being presented to the user via the viewer in real time, generates the local action signal based on the RTSS, and wherein, in response to the broadcast programming being presented to the user via the viewer as a playback of the stored broadcast programming, the processor generates the local action signal based on the PSS, **wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast.**

Claim 8, A system for screening broadcast programming, comprising:

a viewer configured to receive broadcast programming, to receive commands from a user, to receive commands from an interface coupled to the viewer, to present the received broadcast programming to the user based on commands from the user, and to present the received broadcast programming to the user based on commands from the interface; and

the interface configured to receive a real time screening signal (RTSS) and a precision screening signal (PSS), to receive user input from the user, the user input

comprising at least an action preference, to store the received user input, and to transmit commands to the viewer based on the user input and at least one of the received RTSS or PSS, wherein:

the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time,

the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming,

in response to the broadcast programming being presented to the user via the viewer in real time, the commands are generated based on the RTSS, and

in response to the broadcast programming being presented to the user via the viewer as a playback of the stored broadcast programming, the commands are generated based on the PSS, **wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast programming, prior to the broadcast programming being presented to the user via the viewer, based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end of the content of interest segments present in the broadcast programming.**

Claim 9, A system for screening broadcast programming, comprising:

a processor coupled to an interface and configured to receive a real time screening signal (RTSS) and a precision screening signal (PSS), to receive user input from the interface, to store the received user input, to generate a local action signal based on the user input and at least one of the received RTSS or PSS, and to transmit the local action signal to the interface; and

the interface configured to receive the local action signal, to transmit the local action signal to a viewer, and to receive user input from the user, the user input comprising at least an action preference, wherein the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time, the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the RTSS is used to control presentation of the broadcast programming to the user via the viewer in real time, and wherein the PSS is used to control presentation of the broadcast programming to the user via the viewer as a playback of stored broadcast programming, **wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast programming, prior to the broadcast programming being presented to the user via the viewer, based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end of the content of interest segments present in the broadcast programming.**



Claim 11, A computer program product for screening broadcast programming, the computer program product having a recordable medium with a computer program recorded thereon, wherein the computer program, when executed by a computing device, causes the computing device to:

receive a real time screening signal (RTSS) and a precision screening signal (PSS);

receive user input from a user, the user input comprising at least an action preference;

store the received user input;

generate a local action signal based on the user input and the received screening signal;

receive the broadcast programming;

store the received broadcast programming; and

present the broadcast programming to a user, wherein the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time, the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the RTSS is used to control presentation of the broadcast programming to the user in real time, and wherein the PSS is used to control presentation of the broadcast programming to the user as a playback of the stored broadcast programming, **wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast**

**programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast programming, prior to the broadcast programming being presented to the user via the viewer, based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end of the content of interest segments present in the broadcast programming.**

Claim 21, A method for screening broadcast programming, comprising:

- receiving a real time screening signal (RTSS) and a precision screening signal (PSS), the RTSS and PSS associated with a broadcast programming, the broadcast programming comprising at least a content of interest (COI) segment;
- receiving the broadcast programming;
- receiving user input from a user, the user input comprising at least a COI segment type, wherein the user input further comprises at least an action preference;
- generating a local action signal based on at least one of the RTSS or the PSS and the user input;
- storing the broadcast programming; and
- presenting the broadcast programming to a user, wherein the RTSS is generated based on real time monitoring of the broadcast programming being presented in real time, the PSS is generated based on a playback of at least one portion of a recording of the broadcast programming, wherein the RTSS is used to control presentation of the

broadcast programming to the user in real time, and wherein the PSS is used to control presentation of the broadcast programming to the user as a playback of the stored broadcast programming, **wherein the RTSS is generated by reconciling a plurality of screening signals from a plurality of different viewers of the broadcast programming prior to the broadcast programming being presented to the user, and wherein the PSS is generated based on the RTSS by having a second user view portions of the recording of the broadcast programming, prior to the broadcast programming being presented to the user via the viewer, based on content of interest segments present in the broadcast programming as specified by the RTSS and identifying a start or end of the content of interest segments present in the broadcast programming.**

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Inquiries***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUSHFIKH ALAM whose telephone number is (571)270-1710. The examiner can normally be reached on Mon-Fri: 8:30-18:00 EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vivek Srivastava can be reached on (571) 272-7304. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Mushfikh Alam/  
Examiner, Art Unit 2623

/Vivek Srivastava/

Supervisory Patent Examiner, Art Unit 2623